

APPEAL NO. 031866
FILED AUGUST 21, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 12, 2003. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not include depression, mild cervical spondylosis with disc/osteophyte neural encroachment most pronounced at C5-6, bilateral foraminal stenosis at C5-6, or mild left foraminal stenosis at C2-3 and C3-4. Additionally, the hearing officer found that the claimant had disability resulting from the compensable injury from December 13 through December 22, 2002, from December 24, 2002, through January 28, 2003, from March 7 through March 11, 2003, and from March 20, 2003, through the date of the hearing. The claimant appeals the extent-of-injury determination. The respondent (carrier) urges affirmance of the hearing officer's decision. The disability determination has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

Whether the claimant's compensable injury extended to the alleged conditions was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer was obviously not persuaded by either the claimant's testimony or the medical evidence that the claimant satisfied her burden of proof on the extent-of-injury issue. Contrary to the claimant's argument on appeal, the medical evidence, including Dr. V's report dated April 23, 2003, does not reflect that the claimant has been diagnosed with depression. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge